REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-28 in the application. The Applicants have amended Claims 1, 11 and 21 and have canceled Claims 4, 14 and 24. The Applicants have not added any claims. Accordingly, Claims 1-3, 5-13, 15-23 and 25-28 are currently pending in the application.

I. Rejection of Claims 1, 2, 5, 10-12, 15, 20-22 and 25 under 35 U.S.C. §102

The Examiner rejected Claims 1, 2, 5, 10-12, 15, 20-22 and 25 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,421,674 to Yoakum, *et al.* (Yoakum). As the Examiner is no doubt aware, anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference; the disclosed elements must either be disclosed expressly or inherently and must be arranged as in the rejected claims.

Yoakum describes a protocol for implementing a real-time distributed, hierarchical database. The system includes a first proxy server for receiving a first proxiable protocol message from a first network element. The first proxy server performs a first database lookup based on information contained in the first message. If the first proxy server does not obtain the requested information, the first proxy server formulates a second proxiable protocol message and forwards the message to a second proxy server. A second proxy server receives the second message and performs

a second database lookup based on information contained in the second message. The second proxy server sends the results from the second database lookup to the first proxy server and the first proxy server forwards the results to the database user. (Abstract).

Yoakum does not describe a system where a central server responds to an object name query derived from a surface acoustic wave identification tag. Therefore, Yoakum does not anticipate the invention described in independent Claims 1, 11, and 21 because each and every element of the claimed invention is not disclosed. Because Claims 2, 5, 10-12, 15, 20-22 and 25 are each respectively dependent upon one of Claims 1, 11 and 21, Yoakum also cannot be an anticipating reference for Claims 2, 5, 10-12, 15, 20-22 and 25. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to these Claims.

II. Rejection of Claims 3-4, 6-9, 13-14. 16-19, 23-24 and 26-28 under 35 U.S.C. §103

The Examiner has rejected Claims 3-4, 6-9, 13-14, 16-19, 23-24 and 26-28 under 35 U.S.C. §103(a) as being unpatentable over Yoakum in view of U.S. Patent Application No. 20030137403 by Carrender, *et al.* (Carrender). As the Examiner is no doubt aware, determination of obviousness requires consideration of the invention considered as a whole; the inquiry is not whether each element exists in the prior art, but whether the prior art made obvious the invention as a whole. Furthermore, there must be some suggestion or teaching in the art that would motivate one of ordinary skill in the art to arrive at the claimed invention; a reference that teaches away from a claimed invention strongly indicates nonobviousness.

Moreover, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure.

As pointed out above, Yoakum does not describe a system where a central server responds to an object name query derived from a surface acoustic wave identification tag. Carrender does not overcome this shortcoming. The Examiner states that he is taking official notice that having an object name query comprising information derived from a surface acoustic wave identification tag is well known in the art. This statement is made without citation to source or example. The Applicants respectfully call the Examiner's attention to U.S. Patent No. 6,866,493 and U.S. Patent No. 6,708,881, both of which are issued to Clinton Hartmann, a co-applicant with respect to the present application. It is only by reference to these patents that a claim can be made that an "object name query" identification system based on surface acoustic wave identification tags is known in the art. Although there may be instances of surface acoustic wave identification tags being used to identify an object, the amount of data that could be encoded on such tags was so limited prior to the type of encoding described in U.S. Patent No. 6, 866,493, that an object naming system based on surface acoustic wave identification tags was not feasible and, therefore, was not well known. The Applicants dispute the Examiner's official notice that an object name

query comprising information derived from a surface acoustic wave identification tag is well known in the art.

Yoakum, individually or in combination with Carrender, fails to teach or suggest the invention recited in independent Claims 1, 11 and 21 and their dependent claims, when considered as a whole. Claims 4, 14 and 24 have been canceled. Claims 3, 6-9, 13, 16-19, 23 and 26-28 are therefore not obvious in view of Yoakum and Carrender.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 3, 6-9, 13, 16-19, 23 and 26-28 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection.

IV. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-3, 5-13, 15-23 and 25-28.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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